

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
v.	)	CAUSE NO.: 2:13-CR-100-JTM-JEM
	)	
ANTOINE T. MCCLAIN,	)	
Defendant.	)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE  
UPON A SUPERVISED RELEASE REVOCATION HEARING**

TO: THE HONORABLE JAMES T. MOODY,  
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF INDIANA

On May 18, 2017, the United States Government appeared by counsel Assistant United States Attorney Nicholas J. Padilla. Defendant Antoine T. McClain appeared in person and by counsel Jennifer R. Soble and in the custody of the United States Marshal. United States Probation Officer Jerry Navarro appeared. The Supervised Release Revocation Hearing was held. The Court received evidence and comments.

Based upon the record of proceedings the Court makes this Report and Recommendation.

On October 4, 2013, Defendant McClain pled guilty to the Count I charge in the Indictment (felon in possession of a firearm). On February 26, 2014, Judge James T. Moody originally sentenced Defendant McClain to, among other things, a term of imprisonment followed by three years of supervised release subject to specified written terms and conditions, later modified to allowance for residence in a halfway house for up to 120 days to allow for intensive drug treatment.

On February 28, 2017, the Government filed a Petition alleging that the Defendant violated the terms and conditions of his supervised release [DE 59], and an arrest warrant was issued. On March 8, 2017, Defendant McClain was arrested and an Initial Appearance was held.

On April 25, 2017, Defendant McClain, by counsel, filed a Motion to Transfer to Magistrate Judge, which was granted, and on May 4, 2017, Judge James Moody issued an Order referring this case to the undersigned Magistrate Judge to conduct the Supervised Release Revocation Hearing, to recommend modification, revocation, or termination of the supervised release in this case, and to submit proposed findings and recommendations pursuant to 18 U.S.C. § 3401(i), 28 U.S.C. § 636(b)(1)(B), and N.D. Ind. Local Rule 72-1.

As a result of the May 18, 2017, Supervised Release Revocation Hearing, the undersigned Magistrate Judge **FINDS** that:

1. Defendant McClain has been advised of his right to remain silent, his right to counsel, his right to be advised of the charges against him, his right to a contested Supervised Release Revocation Hearing, and his rights in connection with such a hearing;
2. Defendant McClain understands the proceedings, allegations and his rights;
3. Defendant McClain knowingly and voluntarily admitted that he committed each of the violations set forth in the February 28, 2017, Petition [DE 59] and that those allegations are true;
4. The violations are Grade C violations, Defendant's criminal history category is IV, the advisory guideline range is 6 to 12 months imprisonment, and the statutory maximum sentence that may be imposed is 24 months imprisonment.

The undersigned Magistrate Judge **RECOMMENDS** to Judge James Moody that:

1. Defendant McClain be adjudged to have committed a violation of his supervised release described in the February 28, 2017, Petition [DE 59];

2. The supervised release of Defendant McClain be revoked;
3. Defendant McClain be ordered committed to the United States Bureau of Prisons forthwith to serve 6 months of additional imprisonment therein; and
4. After successful completion of the additional term of imprisonment Defendant McClain not continue on supervised release.

The parties agreed to waive any objections to these Findings and Recommendation.

SO ORDERED this 18th day of May, 2017.

s/ John E. Martin  
MAGISTRATE JUDGE JOHN E. MARTIN  
UNITED STATES DISTRICT COURT

cc: All counsel of record  
District Judge James Moody